

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

DEC 05 2013

JULIA C. DUDLEY, CLERK  
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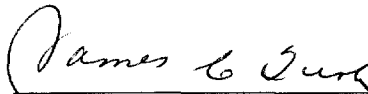
DENNIS JAMES ADAMS,	)	CASE NO. 7:13CV00554
	)	
Plaintiff,	)	
v.	)	FINAL ORDER
	)	
CAPT. DOUG TUCK, <i>ET AL.</i> ,	)	By: James C. Turk
	)	Senior United States District Judge
Defendant(s).	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that plaintiff's civil rights complaint under 42 U.S.C. § 1983, alleging he has been wrongfully confined based on defendants' unconstitutional actions, is hereby **CONSTRUED** as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and is summarily **DISMISSED** without prejudice for failure to exhaust state court remedies; and this action is stricken from the active docket of the court. Finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 5<sup>th</sup> day of December, 2013.

  
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Senior United States District Judge